

DAVID E. ROSEN (S.B. #155385)  
MURPHY ROSEN & COHEN LLP  
100 Wilshire Boulevard, Suite 1300  
Santa Monica, California 90401-1142  
Telephone: (310) 899-3300  
Facsimile: (310) 399-7201

Attorneys for Plaintiff  
SPACE SYSTEMS/LORAL, INC.

GEORGE A. RILEY (S.B. #118304)  
O'MELVENY & MYERS LLP  
Embarcadero Center West  
275 Battery Street, 26<sup>th</sup> Floor  
San Francisco, California 94111-3305  
Telephone: (415) 984-8700  
Facsimile: (415) 984-8701

MARK C. SCARSI (S.B. #183926)  
RYAN K. YAGURA (S.B. #197619)  
O'MELVENY & MYERS LLP  
400 South Hope Street  
Los Angeles, California 90071-2899  
Telephone: (213) 430-6000  
Facsimile: (213) 430-6407

Attorneys for Defendant  
LOCKHEED MARTIN CORPORATION

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

SPACE SYSTEMS/LORAL, INC.,

Plaintiff,

v.

LOCKHEED MARTIN  
CORPORATION,

Defendant.

Case No. C-96-3418 SI

**JOINT STIPULATION AND  
[PROPOSED] ORDER THEREON  
REGARDING ARGUMENT AND  
BRIEFING OF PENDING MOTIONS**

Trial Date: none set  
Hearing Date: December 9, 2005  
Time: 9:00 a.m.  
Place: Courtroom 10  
Judge: Hon. Susan Illston

**JOINT STIPULATION AND ORDER**

WHEREAS, Defendant Lockheed Martin Corporation (Lockheed Martin) has filed a Motion for Leave to File a Motion for Reconsideration of the Court's Claim Construction (Motion for Leave Re Claim Construction) and a Motion for Summary Judgment that U.S. Patent No. 4,537,375 is Invalid Under 35 U.S.C. § 102(b);

WHEREAS, the parties are currently scheduled to be before the Court, the Honorable Judge Susan Illston presiding, on December 9, 2005 at 9:00 a.m. in Courtroom 10 for oral argument on Lockheed Martin's Motion for Leave Re Claim Construction and Space Systems/Loral, Inc.'s (SSL) objection to Lockheed Martin filing motions for summary judgment of invalidity;

WHEREAS, on October 19, 2005, the U.S. Patent and Trademark Office (PTO) informed the parties that it had commenced a reexamination of U.S. Patent No. 4,537,375; and

WHEREAS, on November 4, 2005, Lockheed Martin filed a Motion for Partial Stay of Action Pending Reexamination of U.S. Patent No. 4,537,375 (Motion for Partial Stay) wherein Lockheed Martin asked the Court to defer consideration of claim construction pending the outcome of the reexamination.

Lockheed Martin and SSL have agreed, and hereby so STIPULATE, that at the December 9, 2005 hearing, the parties will present argument to the Court regarding Lockheed Martin's Motion for Partial Stay instead of argument on Lockheed Martin's Motion for Leave Re Claim Construction. The parties will, however, still present argument on SSL's objection to Lockheed Martin filing motions for summary judgment of invalidity. If the Court grants Lockheed Martin's Motion for Partial Stay, the Court will take Lockheed Martin's Motion for Leave Re Claim Construction off calendar until the conclusion of the reexamination proceeding. If the Court denies Lockheed Martin's

Motion for Partial Stay, the Court will set Lockheed Martin's Motion for Leave Re Claim Construction for hearing at the convenience of the Court.

Dated: November 8, 2005

DAVID E. ROSEN  
MURPHY ROSEN & COHEN LLP

GEORGE A. RILEY  
MARK C. SCARSI  
RYAN K. YAGURA  
O'MELVENY & MYERS LLP

By: //s// David E. Rosen  
David E. Rosen

By: //s// Ryan K. Yagura  
Ryan K. Yagura

Attorneys for Plaintiff  
SPACE SYSTEMS/LORAL, INC.

Attorneys for Defendant  
LOCKHEED MARTIN CORPORATION

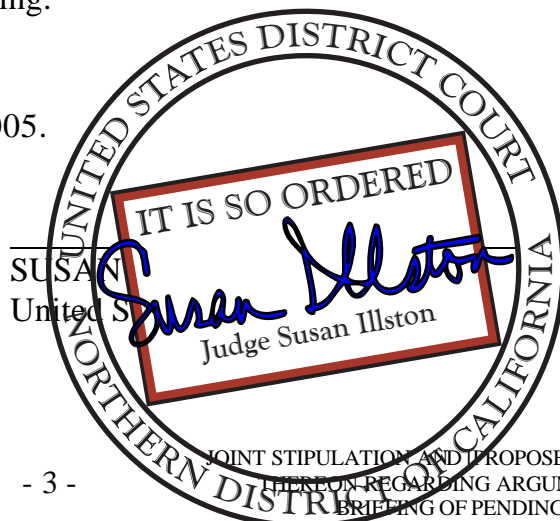
**PURSUANT TO STIPULATION, IT IS SO ORDERED:**

1. At the December 9, 2005 hearing, the Court will hear argument on (a) Lockheed Martin's Motion for Partial Stay, and (b) SSL's objection to Lockheed Martin filing motions for summary judgment of invalidity;

2. Lockheed Martin's Motion for Leave Re Claim Construction, currently set for hearing on December 9, 2005, is taken off calendar. If the Court denies Lockheed Martin's Motion for Partial Stay, the Court will set Lockheed Martin's Motion for Leave Re Claim Construction for hearing on a date convenient to the Court. If the Court grants Lockheed Martin's Motion for Partial Stay, the motion will remain off calendar until the conclusion of the reexamination proceeding.

Dated: November \_\_\_\_, 2005.

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1 GEORGE A. RILEY (S.B. #118304)  
2 O'MELVENY & MYERS LLP  
3 Embarcadero Center West  
4 275 Battery Street, 26<sup>th</sup> Floor  
5 San Francisco, California 94111-3305  
6 Telephone: (415) 984-8700  
7 Facsimile: (415) 984-8701

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9 RYAN K. YAGURA (S.B. #197619)  
10 O'MELVENY & MYERS LLP  
11 400 South Hope Street  
12 Los Angeles, California 90071-2899  
13 Telephone: (213) 430-6000  
14 Facsimile: (213) 430-6407

15 Attorneys for Defendant  
16 LOCKHEED MARTIN CORPORATION

17 UNITED STATES DISTRICT COURT  
18 NORTHERN DISTRICT OF CALIFORNIA  
19 SAN FRANCISCO DIVISION

20 SPACE SYSTEMS/LORAL, INC.,

21 Plaintiff,

22 v.

23 LOCKHEED MARTIN  
24 CORPORATION,

25 Defendant.

Case No. C-96-3418 SI

ELECTRONIC CASE FILING

**DECLARATION OF RYAN K.  
YAGURA RE: SIGNATURE  
PURSUANT TO GENERAL  
ORDER 45 § X**

26 I, RYAN K. YAGURA, declare as follows:

27 1. I am an attorney at the law firm of O'Melveny & Myers LLP,  
28 counsel of record for Defendant Lockheed Martin Corporation in the action entitled *Space  
Systems/Loral, Inc. v. Lockheed Martin Corporation.*, Case No. C-96-3418 SI, pending  
before this Court. I am a member of good standing of the State Bar of California and am

1 admitted to practice in the United States District Court for the Northern District of  
2 California. I have personal knowledge of the facts set forth in this Declaration and, if  
3 called as a witness, could and would testify competently to such facts under oath.

4 2. I attest that the conformed signature of David E. Rosen, counsel of  
5 record for Space Systems/Loral, appearing in the signature block of the Joint Stipulation  
6 And [Proposed] Order Thereon Regarding Argument And Briefing Of Pending Motions,  
7 is Mr. Rosen's signature, and that Mr. Rosen has authorized me to file the Joint  
8 Stipulation And [Proposed] Order Thereon Regarding Argument And Briefing Of Pending  
9 Motions.

10 I declare under penalty of perjury under the laws of the United States that  
11 the foregoing is true and correct.

12 Executed on the 8th day of November, 2005, at Los Angeles, California.

13  
14 //s/ Ryan K. Yagura

15 Ryan K. Yagura

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